

REMARKS

Prior to examination on the merits, please enter new claims 16-43. Additionally, please amend claims 8, 13, and 15 to remove unnecessary recitations of "the steps of" and "the step of."

The applicant claimed less than the applicant had a right to claim in the claims, including the apparatus claims of the '417 patent. This follows not only from the support in the '417 patent specification, but also from the fact that none of the prior art references cited during the course of prosecution of the application which matured into the '417 patent, either taken alone or in any proper combination, disclose or suggest a CMOS imaging sensor including a semiconductor structure, wherein the semiconductor structure includes a unit pixel area and a pad area; a metal line formed on the pad area; a micro-lens formed over a portion of the unit pixel area; and an oxide layer formed to cover a resulting structure including the micro-lens. This also follows from the fact that none of the prior art references, either alone or in any proper combination, disclose or suggest a CMOS imaging sensor including a semiconductor structure, wherein the semiconductor structure includes a unit pixel area and a pad area; a metal line formed over the pad area; a planarized photoresist formed over a portion of the unit pixel area; a micro-lens formed on a portion of the planarized photoresist; and an oxide layer formed to cover a resulting structure including the micro-lens and the photoresist.

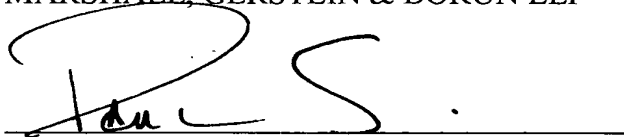
The applicant claimed less than the applicant had a right to claim in the claims, including the method claims of the '417 patent. This follows not only from the support in the '417 patent specification, but also from the fact that none of the prior art references cited during the course of prosecution of the application which matured into the '417 patent, either taken alone or in any proper combination, disclose or suggest a method of fabricating a CMOS imaging sensor that includes: a) providing a semiconductor structure, wherein the semiconductor structure includes a metal line formed on an upper portion of the semiconductor structure; b) forming a micro-lens over a portion of the semiconductor structure; and c) forming an oxide layer overlaying a resulting structure including the micro-lens. This also follows from the fact that none of the prior art references, either alone or in any proper combination, disclose or suggest a method of fabricating a CMOS imaging sensor that includes: a) providing a semiconductor structure, wherein the semiconductor structure includes a metal line formed on an upper portion of the semiconductor structure; b) forming a planarized photoresist over a portion

of the semiconductor structure; c) forming a micro-lens on a portion of the planarized photoresist; and d) forming an oxide layer to cover a resulting structure including the micro-lens.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

By

A handwritten signature in black ink, appearing to read "Paul B. Stephens", is written over a horizontal line.

April 9, 2004

Paul B. Stephens (Reg. No. 47,970)
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300